

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

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| IN THE MATTER OF THE REQUEST) | |
| FOR REVIEW BY:) | CHARGE NO.: 2009CN3406 |
| CRYSTAL MAGHETT) | |
| Petitioner.) | ALS NO.: 10-0179 |
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ORDER

This matter coming before the Commission by a panel of three, Commissioners Charles Box, Marylee V. Freeman and David Chang presiding, upon Crystal Maghett's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")^[1] of Charge No. 2009CN3406; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, **THEREFORE**, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following:

1. On December 16, 2008, the Petitioner filed a charge of discrimination with the Respondent against Advocate Good Samaritan Hospital ("Employer"), for whom she worked as a Material Specialist. The Petitioner alleged she was harassed (Count A) and given a poor performance evaluation (Count B) by the Employer because of her race, Black, in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"). On March 1, 2010, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On March 10, 2010, the Petitioner timely filed this Request.
2. The Petitioner's supervisor was the Material Management Manager. The Petitioner's duties included filling in for the Coordinator of Inventory Control/Buyer and the Coordinator of Point Service.

^[1] In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

3. The Petitioner alleged in Count A that beginning in August 2008 and continuing through November 2008, her supervisor began harassing her by sitting outside the Petitioner's office and staring at her; giving her a poor performance review, in that she was rated "Expectations Not Met" in several categories and "Approaching Expectations" overall, which resulted in the Petitioner being placed on a Performance Deficiency Notice; questioning the Petitioner about her conversations with other managers, and questioning other employees about the Petitioner's whereabouts.
4. As to Count B, the Petitioner alleged that her supervisor issued her a poor performance evaluation on September 11, 2008.
5. As to both Count A and Count B, the Petitioner alleged her supervisor engaged in this conduct because of the Petitioner's race and that non-Black employees were treated more favorably.
6. In her Request, the Petitioner argues that some of the information contained in the Respondent's investigation report was inaccurate. In her statement in support of her Request, the Petitioner provides information to correct or clarify the alleged inaccuracies.
7. In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge for lack of substantial evidence.

CONCLUSION

The Commission concludes the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258 (March 7, 1995).

As to both Count A and Count B, the Petitioner has presented no evidence, nor has the Respondent discovered any evidence, to show a nexus between the incidents alleged and the Petitioner's race. The Petitioner's statement in support of her Request, while providing a further explication of various incidents, still does not put forth any evidence that these incidents were premised on racial animus, or that the Petitioner was subjected to differential treatment because of her race.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

WHEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Advocate Good Samaritan Hospital, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

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Entered this 3rd day of November 2010.

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Charles E. Box